

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Takaaki TAKENAKA
Serial No.: 10/677,408
Filed: October 1, 2003
For: ACCELERATOR PEDAL FOR INDUSTRIAL VEHICLE
Group Art Unit: 3682
Confirmation No.: 8877
Examiner: Matthew Johnson
Commissioner for Patents
Washington, D.C. 20231

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)**

Sir:

This information is being submitted after the Applicant has learned of the abandonment of the above-identified application on the basis of receiving the Notice of Abandonment mailed April 6, 2007. Submitted herewith is/are copies of the following documents:

- Exhibit A: A copy of the Notice of Abandonment mailed April 6, 2007;
Exhibit B: A copy of the complete Response (filed on September 22, 2006) to the Requirement for Restriction dated August 25, 2006; and
Exhibit C: A copy of the Reporting letter, to the client dated September 22, 2006.

STATEMENT OF FACTS

The Attorney of Record prepared and executed the papers for filing in Response to Requirement for Restriction on September 22, 2006 in connection with the above identified application. The Attorney of Record then deposited the executed papers for mailing with the United States Postal Service. See Exhibit B. On that same day, September 22, 2006, the Attorney of Record

reported to the client that the Response had been filed on that day with the Patent Office. See Exhibit C.

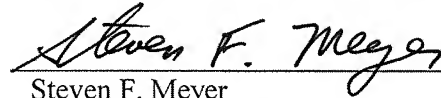
Applicant hereby requests that the Commissioner to withdraw the holding of abandonment issued on April 6, 2007, in view of the foregoing statement and exhibits. Acknowledgement of the active status of this application is requested, and Applicant respectfully requests that the Examiner proceed to further examine this application.

The Examiner is encouraged to contact the undersigned at (212) 415-8700, should the Examiner require additional information or documentation. The commissioner is hereby authorized to charge any fees which may be required for this Petition to Deposit Account No. 13-4500, Order No. 5095-4070. A duplicate copy of this sheet attached.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: April 12, 2007

By:



Steven F. Meyer
Registration No. 35,613

Correspondence Address:

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3 World Financial Center
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Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,408	10/01/2003	Takaaki Takenaka	5095-4070	8877

27123 7590 04/06/2007
MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

JOHNSON, MATTHEW A

ART UNIT	PAPER NUMBER
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3682

MAIL DATE	DELIVERY MODE
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04/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKET DEPARTMENT

Docketed By: AR Date: 4/11/07
Audited By: gm Date: 4/11/07
Filed By: ak Date: 4/11/07

M F 04/11/07 AM 10:48:

Notice of Abandonment

Application No.

10/677,408

Applicant(s)

TAKENAKA, TAKAAKI

Examiner

Matthew Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 25 August 2006.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Exhibit B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Takaaki TAKENAKA

Group Art Unit: 3682

Serial No.: 10/677,408

Examiner: TBA

Filed: October 1, 2003

For: ACCELERATOR PEDAL FOR INDUSTRIAL VEHICLE

CERTIFICATE OF MAILING (37 C.F.R. §1.8(A))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached:

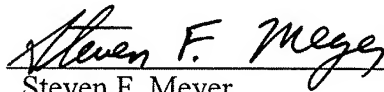
- 1) Response to Requirement for Restriction (1 page);
- 2) Return Receipt Postcard;

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: September 22, 2006

By:



Steven F. Meyer

Registration No. 35,613

Correspondence Address:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Takaaki TAKENAKA

Group Art Unit: 3682

Serial No.: 10/677,408

Examiner: TBA

Filed: October 1, 2003

For: ACCELERATOR PEDAL FOR INDUSTRIAL VEHICLE

RESPONSE TO REQUIREMENT FOR RESTRICTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

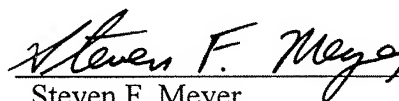
In response to the Office Action dated August 25, 2006 constituting a requirement for restriction in the above-identified application, election is made to prosecute the claims in the Examiner's Species I (Figures 1-3). Applicants believe that claims 1, 2, 4, 6-8 and 13-17 are readable on the elected species. The election is made without traverse.

Action on the merits of claims 1, 2, 4, 6-8 and 13-17 is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: September 22, 2006

By:



Steven F. Meyer

Registration No. 35,613

Correspondence Address:

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Exhibit C

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4235
RECIPIENT ADDRESS 91698#5095#4070#01181566243990#
DESTINATION ID
ST. TIME 09/22 14:53
TIME USE 00'45
PAGES SENT 3
RESULT OK

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FAX COVER SHEET

To: Mr. Yoshiaki Yonemura
Company: Sun Staff, Inc.
Phone #: 011-81-566-22-7251
Fax #: 011-81-566-24-3990
From: Steven F. Meyer
Phone #: 212-415-8537
Client: 5095
Matter: 4070
Date: September 22, 2006
Pages: 3 (including cover sheet)

Comments:

Confirmation copy with enclosures will follow by mail.

Morgan & Finnegan, L.L.P.

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September 22, 2006

VIA FACSIMILE AND CONFIRMATION

Mr. Yoshiaki Yonemura
Sun Staff, Inc.
I.P. Department (International Intellectual Property Department)
4-15, Hirokoji, Kariya-shi
Aichi-ken, 448-0844, JAPAN

Re: Your Ref. A-09036-US-SS; Our Ref. 5095-4070
U.S. Patent Application Serial No. 10/677,408
Filed: October 1, 2003
For: ACCELERATOR PEDAL FOR INDUSTRIAL VEHICLE

Dear Mr. Yonemura:

Thank you for your instruction letter dated September 21, 2006. The response to Restriction Requirement and supporting papers were filed today with the United States Patent & Trademark Office, copies of which are enclosed for your file.

We will keep you apprised of further developments as they occur.

Sincerely,


Steven F. Meyer

SFM:deg
Enclosure